IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1651 OF 2004

IN

SUIT NO. 1454 OF 2004

Parivartan Co-operative
Bank Ltd. ..Plaintiff

versus

M/s. Hari Trading Corporation
& Ors. ..Defendants

Mr. A. G. Pawar for the Plaintiff.
Mr. M. A. Shah i/b. A.G. Shah for the Defendants.

CORAM : D. G. DESHPANDE,J.

DATE ; 20TH SEPTEMBER, 2004.

P.C. :

. Heard Advocate for the Plaintiff and the Defendants. Plaintiff is a Bank. Defendant had taken loan to the extent of Rs.43 lacs that is the claim of the plaintiff in the suit. While taking loan according to the plaintiff the defendant handed over certain forged documents for which complaint is filed by the plaintiff with the police. Offence is registered against the defendants. They were arrested.

. Advocate for the Defendants contended that this plaintiff should have filed a suit before the Co-operative Court under Section 91 of the Maharashtra Co-operative Societies Act. However, from the rejoinder the Advocate for the plaintiff pointed out that the defendants are not the members of the plaintiff bank. In view of this statement, the objection of the Advocate for the Defendants does not survive. Prayers in the notice of motion are for appointment of the Receiver. Advocate for the Defendants contended that the statusquo is sufficient in the circumstances. That does not find to be proper answer to the apprehension of the plaintiff. Therefore there will be an order in terms of prayer clause (b). The Receiver will take symbolic possession and appoint the defendants as his agent on such terms and conditions as to the royalty and security as the Receiver may deem fit and proper. This power of the Receiver will be excluding prayer to sell. Notice of Motion is disposed of.

. Certified copy expedited.

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